

**Forest Service Handbook  
National Headquarters - Washington Office  
Washington, DC**

**Forest Service Handbook 2709.11 - Special Uses Handbook  
Chapter 10 - Application and Authorization Processing**

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**Digest:** Following is an explanation of changes throughout the directive by section.

**Section 11.15:** Clarifies that a married couple may hold a special use authorization.

**Section 11.2:** Revises to align with Title 36 CFR 251.64.

**Section 12.12:** Revises to align with Title 36 CFR 251.58(7).

**Section 14.1:** Clarifies that a married couple may hold a special use authorization.

**Section 19:** Exhibit 02, corrects clerical errors and updates form numbers throughout exhibit.

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### **10.1 - Authority**

Title 36, Code of Federal Regulations, Part 251, Subpart B (36 CFR part 251, Subpart B), is the principal authority for processing special use proposals and applications and issuing authorizations.

See FSM 2701 and 2710.1 for further direction on statutory authorities, regulations, and requirements governing special use authorizations. Exhibit 02 in section 19 is a guide to special use authorizations that summarizes the legal authorities, authorization documents, and terms for authorizing them.

### **10.2 - Objectives**

See FSM 2702 for additional objectives for the special use application and authorization process.

The objectives of the special uses application and authorization process are to:

1. Provide timely responses to proponents and applicants requesting use of National Forest System lands.
2. Provide a consistent decision-making process for special use applications.
3. Ensure that authorizations to use and occupy National Forest System lands are in the public interest (Title 36, Code of Federal Regulations, Part 251—Land Uses, Subpart B—Special Uses).
4. Ensure that authorizations to use and occupy National Forest System lands comply with Forest land and resource management plans.

### **10.3 - Policy**

See FSM 2703 for further direction.

1. Within 60 days of receipt of a proposal to use National Forest System lands, notify proponents of the suitability of the proposal and whether the Agency will give further consideration of the project (sec. 12).
2. Provide information and advice to proponents in preparing their applications to focus the range of alternatives during the environmental analysis process.

### **10.4 - Responsibility**

See FSM 2704 for additional positions with responsibilities in the special use application and authorization process.

#### **10.41 - Authorized Officer**

See section 10.5 for the definition of “Authorized Officer.”

It is the responsibility of the Authorized Officer to:

1. Meet with the proponent to discuss proposals to use National Forest System lands or direct a fully qualified representative to make the contact (sec. 10.42, para. 3).
2. Accept applications for the use of National Forest System lands when appropriate (FSM 2703.3).
3. Reject proposals and deny applications to use National Forest System lands that are not consistent with the management of the National Forests (FSM 2703.2).

#### **10.42 - Case Manager**

See section 10.5 for the definition of “Case Manager.”

For routine proposals, a Case Manager shall meet the competency requirements for a special uses administrator and shall have the knowledge and experience commensurate with the type and complexity of the proposed use; for unusual and complex uses, such as those typically issued on term permits, leases, or easements, the Case Manager shall meet the competency requirements for a special use specialist or must work directly under a specialist’s guidance.

It is the responsibility of the Case Manager to:

1. Provide information and guidance to proponents and applicants as needed.
2. Process a proposal or application in compliance with 36 CFR 251.54 and the provisions of this chapter from the initial contact to the denial or authorization of the use.
3. Represent the Authorized Officer, when directed, during the review and authorization process.
4. Provide technical assistance and input during the environmental analysis process, including recommending what specialist input may be needed and what categorical exclusions may apply (FSH 1909.15, chapter 30).
5. Make recommendations to the Authorized Officer on the suitability of the proposed use or application.
6. Prepare a special use authorization for the Authorized Officers signature.

## 10.5 - Definitions

See FSM 2705 and Title 36, Code of Federal Regulations, Section 251.51-Definitions for additional definitions.

**Application.** A request to use National Forest System lands that has passed initial and second-level screening (sec. 12.2 and 12.3) and that has been accepted formally by the Agency for further consideration.

**Authorized Officer.** The Authorized Officer is the Regional Forester, Director, Forest or Grassland Supervisor, a District Ranger, or the Station, Institute, or Area Director with delegated authority pursuant to FSM 2700.

**Case Manager.** A special uses administrator qualified to process a special use proposal and application from initial contact with the proponent to denial or authorization of the use.

**Planning Permit.** A permit issued to a proponent authorizing minor disturbance of a site named in a special use proposal to gather information and data needed to develop the proposal. Planning permits usually are granted in connection with major development proposals and are categorically excluded from environmental analysis under the National Environmental Policy Act (NEPA; FSH 1909.15, chapter 30).

**Proponent.** A person or entity that submits a proposal to use or occupy National Forest System lands.

**Proposal.** A request to use National Forest System lands that has not passed the initial or second-level screening and that has not been accepted by the Forest Service as a formal application (sec. 12).

**Solicited Proposal.** A proposed use of National Forest System lands that is initiated by the Forest Service.

**Unsolicited Proposal.** A proposed use of National Forest System lands that is not initiated by the Forest Service.

## 11 - Overview of Special Use Proposal, Application and Authorization Process

The first step in the special use authorization process is submission of a proposal or application. Applications may be unsolicited (sec. 12) or solicited (FSM 2710).

A proposal for a new use must pass the initial and second-level screening in 36 CFR 251.54 before becoming an application.

Applications for a new special use authorization for an existing use do not require initial and second-level screening. Evaluate these applications in accordance with the criteria in section 11.2, paragraph 2, of this chapter.

Section 19, exhibit 01 summarizes the sequence of steps in the special use proposal, application, and authorization process. Section 19, exhibit 02 summarizes the appropriate authority, authorization type and form, and recommended maximum or standard term for each type of special use activity.

### **11.1 - Major Infrastructure Development**

Special application procedures, coordination and reporting requirements may apply to proposals regulated by other agencies, such as hydropower projects licensed by the Federal Energy Regulatory Commission (sec. 11.13; FSM 2770; FSH 2709.15); highway rights-of-ways granted to public road agencies by the Federal Highway Administration; and oil and gas pipelines 24 inches or larger in diameter, which require Congressional notification (sec. 11.12); and coordination under the Federal Permitting Improvement Steering Council (see Fixing America's Surface Transportation Act, Title 41).

#### **11.11 - Planning Permit**

For related requirements, see 36 CFR 251.54(f)(2).

Proponents of a major infrastructure development may submit a request for a planning permit of up to 10 years in duration. Requests for a planning permit must include the information contained in paragraphs (d)(1) through (d)(3) of 36 CFR 251.54. Upon completion of a master development plan developed under a planning permit, proponents may then submit a request for a long-term authorization to construct and operate the development. At a minimum, a request for a long-term permit for a major development must include the information contained in paragraphs (d)(1) and (d)(2)(ii) through (d)(5) of 36 CFR 251.54. Issuance of a planning permit does not prejudice approval or denial of a subsequent request for a special use permit for the development.

#### **11.12 - Oil and Gas Pipelines 24 Inches or Larger in Diameter**

For related requirements, see 36 CFR 251.54(f)(1).

Section 28(w)(2) of the Mineral Leasing Act of 1920 (30 U.S.C. 185(w)(2)) requires the Forest Service to notify the Senate Energy and Natural Resources Committee and the House of Representatives Resources Committee when a request has been made to use National Forest System lands for oil or gas pipelines 24 inches or larger in diameter. When a proposal for an oil or gas pipeline 24 inches or larger in diameter is accepted as a formal application, the regional office, Director of Lands or equivalent official, shall forward to the Washington Office, Director of Lands, a copy of the application to forward to the appropriate committee chairperson. If a

decision is made to approve the project, the regional office, Director of Lands or equivalent official, shall forward to the Washington Office, Director of Lands, a copy of the decision notice and proposed special use authorization to forward to the appropriate committee chairperson.

### **11.13 - Powerline Facilities**

All new and existing powerline facilities on NFS lands must have an approved operating plan or agreement that complies with section 512 of FLPMA, the Forest Service's implementing regulations, and chapter 80, except for new and existing powerline facilities on NFS lands authorized under a FERC license containing conditions on powerline facility maintenance and vegetation management that meet these requirements. All new powerline facilities on NFS lands must be authorized using the current appropriate powerline facility form containing clauses and include applicable strict liability limits compliant with chapter 80.

### **11.14 - Federal Energy Regulatory Commission Hydropower Projects**

The Forest Service has the authority under the Federal Power Act of 1924 (16 U.S.C. 791 et seq.) to require stipulations to hydropower licenses issued by the FERC. Authorities, responsibilities, and other direction related to FERC-regulated hydropower projects are contained in FSM 2770.

### **11.15 - Who May Hold a Special Use Authorization**

Unless specifically excepted, an individual, a corporation, a partnership, an association, a municipality, a Federal, State, or local governmental agency, or, for private noncommercial uses only, a married couple (sec. 14.1), may hold a special use authorization.

1. **Nondiscrimination.** Do not discriminate against a proponent because of race, color, religion, sex, age, disability, marital status, or national origin (FSM 1780).
2. **Prohibited Authorizations.** Do not issue a special use authorization to individuals and other entities when the following criteria apply:
  - a. Citizens of countries other than the United States may hold authorizations, except for oil and gas pipelines, and except where the laws, customs, or regulations of the other country deny similar privileges to citizens or corporations of the United States (36 CFR 251.54(f)(1)(i)).
  - b. Members of Congress and resident commissioners are prohibited by Federal law from holding certain types of authorizations Title 18, United States Code, section 431 through 433 (18 U.S.C. 431-433).
  - c. Forest Service employees should first obtain guidance from the appropriate agency official prior to considering a request to obtain a special use authorization (FSM 6174).



## **11.2 - Initial and Second-Level Screening**

1. Initial and second-level screening (36 CFR 251.54) applies to all requests to use National Forest System lands, except for:
  - a. Proposals involving noncommercial group use. These requests are governed by separate procedures in section 17.4 and 36 CFR 251.51, 251.54 and Title 36, Code of Federal Regulations, Part 261-Prohibitions (36 CFR 261).
  - b. Solicited Applications. These applications are governed by separate procedures in section 13 of this chapter.
  - c. Applications involving existing rather than proposed uses (Title 36, Code of Federal Regulations, section 251.64-Reauthorization of Existing Uses).
    - (1) Applications for a new authorization to replace an authorization that has expired, and continued use does not involve new construction or expanded use or occupancy of National Forest System lands beyond what was previously authorized.
    - (2) Applications for a new authorization because of a change of ownership of authorized improvements or a change of ownership or control of the business entity.
2. A proposal does not have to be submitted to request a new special use authorization for an existing use. Rather, only an application is required. In reviewing an application involving an existing use, the Authorized Officer shall consider:
  - a. Whether the proposed use would conform to the applicable Grass/Forest land and resource management plan;
  - b. Whether the area requested is still being used for the purposes for which it is or was authorized;
  - c. Whether the holder is in compliance with the terms of the special use authorization; and
  - d. Whether the applicant has the technical and financial capability to continue to undertake the use and to fully comply with the terms of the authorization. If an applicant has been debarred or suspended pursuant to Title 2, Code of Federal Regulations, Part 180-OMB Guidelines to Agencies on Government Wide Debarment and Suspension and Title 2, Code of Federal Regulations, Part 417--USDA Non-procurement Debarment and Suspension (2 CFR parts 180 and 417), the debarment or suspension itself may not be a factor in evaluating the applicant's proposal.

However, the underlying conduct that led to the debarment or suspension may be considered in evaluating the applicant's technical ability. Any consideration of the underlying conduct that led to a debarment or suspension must also include consideration of any changes that the applicant has made to address the conduct since being debarred or suspended.

If significant new information or circumstances have arisen, additional environmental analysis may be required before the use may be reauthorized.

### **11.21 - Initial Screening of Proposal**

For related requirements, see section 12.2 and 36 CFR 251.54(e)(1)-(4).

The Authorized Officer should meet with a proponent to discuss the nature of the proponent's request and provide the proponent with the guidelines the Agency uses to evaluate proposals. At this stage, however, it may not be necessary for the proponent to supply the Authorized Officer with detailed information and studies, or even a written proposal. Conceptual proposals may be sufficient for the Authorized Officer to determine if the proposed use is consistent with existing laws, regulations, the applicable land management plan, and any other requirements (36 CFR 251.54(e)(1)).

### **11.22 - Return to Proponent or Further Screening of Proposal**

1. As provided in 36 CFR 251.54(e)(2), the Authorized Officer shall return to the proponent without further consideration any proposal that does not meet the initial screening criteria.
  - a. If the proposal is presented orally, the Authorized Officer may respond with an oral explanation of why the proposal did not meet the initial screening criteria and is being returned to the proponent.
  - b. If the proposal is made in writing, the Authorized Officer shall return the proposal and provide the proponent with a written explanation of why proposal did not meet the initial screening criteria.
2. Proposals that pass the initial screening process are further evaluated in the second-level screening process (sec. 12.3; 36 CFR 251.54(e)(5)).

### **11.23 - Second-Level Screening of Proposal**

After a proposal passes initial screening, the Authorized Officer shall determine if the proposal meets the second-level screening criteria in sections 12.32a through 12.32c (36 CFR 251.54(e)(5)).

#### **11.24 - Rejection or Acceptance of a Proposal**

For the related regulatory requirements, see 36 CFR 251.54(g)(1).

The Authorized Officer shall reject any proposal that fails to meet the second-level screening criteria and shall return the proposal to the proponent with a written explanation of the rejection (sec. 12.4). If the second-level screening criteria are met, the Authorized Officer shall notify the proponent that the proponent may submit a written application for evaluation (sec. 12.5).

#### **11.25 - Evaluation of an Application**

For related regulatory requirements, see 36 CFR 251.54(g)(2).

No environmental analysis is conducted of the proposed use until it passes initial and second-level screening (36 CFR 251.54(e)(6)). Once the proposed use passes initial and second-level screening and an application is accepted, the Authorized Officer shall conduct the appropriate level of environmental analysis of the proposed action and may request additional information from the applicant to evaluate fully the proposed use and its effects on National Forest System lands and resources. The proposed action is the use requested, not the issuance of the authorization.

#### **11.26 - Approval, Denial, or Modification of an Application**

For related requirements, see section 12.6-12.62 and 36 CFR 251.54(g)(4).

After evaluating the application, the Authorized Officer shall make one of the following decisions:

1. Approve the proposed use as submitted,
2. Approve the proposed use with modification(s), or
3. Deny the application.

#### **11.3 - Forms for Requesting Use of National Forest System Lands**

1. **Proposals/Applications.** Encourage proponents and applicants to submit proposals and applications on the appropriate standard forms. These forms include:
  - a. SF-299, Application for Transportation, Utility Systems, Telecommunications and Facilities on Federal Lands and Property.
  - b. FS-2700-3b, Special Use Application and Permit for Noncommercial Group Use.

c. FS-2700-3c, Special Use Application and Permit for Recreation Events.

2. **Change in Ownership of the Improvements and Change in Control of the Business Entity.** Except for situations that allow for assignment of leases and easements (36 CFR 251.59), require the current and prospective holder to use form FS-2700-3a, Request for Revocation of a Special Use Authorization, when there is a change in ownership of the authorized improvements or a change in control of the business entity and when there is no proposed change in the scope or nature of the current use.

## **12 - Responding to Proposals Subject to Initial and Second-Level Screening**

Where the Agency has advance notice of likely proposals, employees should advise the proponent to contact the Forest Service administrative office responsible for managing the affected land as early as possible for pre-application discussions before submitting a proposal (36 CFR 251.54(a)). Early contacts help the Authorized Officer gain a preliminary understanding of the proposal and establish a basis for further communication with the proponent. A discussion during this period may provide the proponent the opportunity to reconsider or revise the proposal or relocate the proposed use.

### **12.1 - Pre-Application Meeting**

In a pre-application meeting, explain to the proponent the information required in proposals (sec. 11) and the terms and conditions that would be required if an authorization is issued for the requested use. Emphasize that the terms and conditions of Forest Service permits, easements and leases are not negotiable (sec. 14, 50.2 and 53; 5 CFR 1320; 36 CFR 216). If the proponent would be unwilling to accept all the terms and conditions of the authorization, inform the proponent that it may be advisable to consider other options, such as non-National Forest System lands.

At a minimum, advise the proponent of and discuss the following points in the pre-application meeting:

1. The proposal must pass the nine criteria in the initial screening process to be considered for further screening (sec. 12.2).
2. Preference in processing applications and issuing authorizations is given to uses that offer public services (such as fiber optics and power transmission) and benefits over private uses.
3. Special application procedures may apply to a particular land use or administrative unit.
4. A proposal for a commercial use may involve a competitive interest determination and Forest Service solicitation (sec. 13).

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5. A planning permit issued on form FS-2700-4 may be required for complex or sensitive proposals. A planning permit may be issued for up to 10 years. Issuance of planning permits may be categorically excluded from environmental documentation pursuant to FSH 1909.15 (36 CFR 251.54(g)(2)(v)). However, requests for a planning permit still must clear initial and second-level screening (sec. 12.2 and 12.3). Upon completion of the on-the-ground investigations and master development plan, the proponent may then submit a request for a decision to approve the application and to issue the appropriate authorization.

When requested by the proponent, the Authorized Officer and other Forest Service officials shall keep confidential, to the extent reasonable and authorized by law, any project and program information revealed during the pre-application process (36 CFR 251.54(e)(4)).

### **12.11 - Content of Proposals**

The special use regulations require that any proponent for a special use authorization must provide the name and mailing address of the proponent or, if the proponent is not an individual, the name and address of the proponent's agent who is authorized to receive notice of actions pertaining to the proposal (36 CFR 251.54(d)(1)). The rule distinguishes information required for proposals for noncommercial group uses from that required for all other special uses. Information required for proposals for special uses other than noncommercial group use is set out in section 12.11a. Information required for proposals for noncommercial group use is set out in section 17.41.

#### **12.11a - Proposals for All Special Uses Other Than Noncommercial Group Use**

1. Proposals for special uses, other than noncommercial group use, must contain at a minimum (36 CFR 251.54(d)(2)(ii)):
  - a. Sufficient evidence that the proponent has or will have, prior to commencement of construction, the technical and financial capability to construct, operate, maintain, and terminate the proposed use (36 CFR 251.54(d)(3)).
  - b. Except for requests for a planning permit for a major development, a description of the project, including maps and appropriate resource information, in sufficient detail to enable the Authorized Officer to determine the feasibility of the proposed use or activity; any benefits to be provided to the public; safety issues associated with the proposal; the lands to be occupied or used; the terms and conditions to be included in the authorization; and the proposal's compliance with applicable laws, regulations, and orders (36 CFR 251.54(d)(4)).
  - c. Any other information and data requested in writing by the Authorized Officer that are needed to determine the feasibility of the proposed use; the proposal's

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compliance with applicable laws, regulations, and orders; the proposal's compliance with requirements for clearances, certificates, permits, or licenses; and suitable terms and conditions to be included in the authorization (36 CFR 251.54(d)(5)).

2. In addition, if requested by the Authorized Officer, proponents in one of the following categories must furnish the information specified for that category (36 CFR 251.54(d)(2)(ii)(A)-(E)):
  - a. **State or Local Government Agency.** A copy of the authorization under which the proposal is made.
  - b. **Public Corporation.** The statute or other authority under which it was organized.
  - c. **Federal Government Agency.** The title of the Agency official delegated the authority to submit the proposal.
  - d. **Private Corporation.**
    - (1) Evidence of incorporation and current good standing (Secretary of State Offices);
    - (2) If reasonably obtainable by the proponent, the name and address of each share holder owning three percent or more of the proponent's shares, and the number of the proponent's shares and percentage of any class of the proponent's voting stock of the shareholder is authorized to vote;
    - (3) The name and address of each of the proponent's affiliates;
    - (4) In the case of an affiliate controlled by the proponent, the number of the affiliate's shares and the percentage of any class of the proponent's voting stock owned by the proponent, either directly or indirectly; or
    - (5) In the case of an affiliate that controls the proponent, the number of the proponent's shares and the percentage of any class of the proponent's voting stock owned by the proponent, either directly or indirectly.
  - e. **Partnership, Association, or Other Unincorporated Entity.** A certified copy of the partnership agreement or other similar document, such as a charter or by-laws, establishing the entity, or a certificate of good standing under the laws of the State where the entity was established.

#### **12.12 - Time Frame for Reviewing Proposal**

The Authorized Officer should, within 60 calendar days of receipt of a proposal, review the proposal and advise the proponent as to whether the Forest Service will accept the proposal as

a formal application (sec. 12.6) or reject the proposal based on initial or second-level screening criteria (sec. 12.2 and 12.3). The 60-day period does not include periods in which the Authorized Officer is waiting for additional information from the proponent, or another governmental entity needed to complete the pre-application process. The 60-day period may be extended in rare situations involving complex proposals. Failure to respond to the customer service standard in a timely manner does not validate a proposal.

## **12.2 - Initial Screening of Proposals**

### **12.21 - Criteria for Initial Screening**

Screen proposals submitted orally or in writing to determine if they qualify for further consideration according to the criteria set out at 36 CFR 251.54(e)(1)(i)-(ix). Return to the proponent without further consideration any proposal that fails one or more of the minimum requirements in the nine initial screening criteria. To receive further consideration at the second-level screening, proposals must meet all nine initial screening criteria requirements that the proposed use:

1. Is consistent with the laws, regulations, orders, and policies establishing or governing National Forest System lands (including policy in FSM 2703.1 and 2703.2); other applicable Federal laws; and applicable State and local laws.
2. Is consistent or can be made consistent with standards and guidelines in the applicable Grass/Forest land and resource management plan prepared under the National Forest Management Act and 36 CFR part 219. If a proposal is inconsistent with the Grass/Forest land and resource management plan, discuss with the proponent ways the proposal could be altered to make it consistent with the plan, such as conducting the activity at a different time or in a different location.
3. Will not create a serious and substantial risk to public health or safety. State and local officials can provide input with respect to public health and safety concerns affecting the proponent's operations and other grassland or forest resources and activities. Examples of uses that might create a serious risk to public health and safety include:
  - a. Winter sport activities adjacent to an avalanche area.
  - b. Facilities in a flood plain.
  - c. Activities or public uses in proximity to a target range.
  - d. Mixing of motorized and pedestrian activities; for example, snowmobiling and cross-country skiing on the same trails.

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4. Will not create an exclusive or perpetual right of use or occupancy; that is, the proposed use would not in effect grant title to Federal land to an authorization holder or would not create the appearance of granting such a right. Examples of such uses that could in effect grant title, or give the appearance of granting such a right include:
  - a. Cemeteries, monuments, or other memorials; and
  - b. In some cases, major capital improvements by municipal entities.
5. Will not unreasonably conflict or interfere with administrative uses of the Forest Service or with other scheduled or authorized existing uses on or adjacent to National Forest System lands.
6. Does not involve a proponent with an outstanding debt owed to the Forest Service under terms and conditions of a prior or existing authorization, unless such debt results from a decision on an administrative appeal or from a fee review and the proponent is current with the payment schedule.
7. Does not involve gambling or sexually oriented commercial services, even if permitted under State law.
8. Does not involve military or paramilitary training or exercises by private organizations or individuals, unless such training or exercises are federally funded.
9. Does not involve disposal of solid waste or disposal of radioactive or other hazardous substances.

**12.22 - Decisions to Return or to Evaluate Proposals Further at Second-Level Screening**

1. Return any proposal that fails one or more of the initial screening criteria in the preceding section 12.21 to the proponent with notification that the proposal does not meet the minimum requirements.
  - a. If the proposal was submitted orally, the Authorized Officer may respond orally.
  - b. If the proposal was made in writing, the Authorized Officer shall return the proposal and provide the proponent with a written explanation of the denial.
  - c. A proposal returned to the proponent in the initial screening process is not subject to environmental analysis and documentation.
  - d. Findings that a proposal fails to meet the initial screening criteria are not subject to administrative appeal.



2. As outlined in section 12.3, notify the proponent and consider further in second-level screening those proposals that meet the initial screening criteria in the preceding section 12.21.

### **12.3 - Second-Level Screening of Proposals**

For related requirements, see 36 CFR 251.54(e)(5)(i)-(v).

1. A proposal that passes the initial screening outlined in section 12.2 proceeds to second-level screening, unless the proposal is for a commercial activity for which there may be a competitive interest. Such proposals are processed in accordance with procedures for solicited proposals set out in section 13.
2. The Authorized Officer shall notify the proponent whose proposal passes initial screening that the proposal is subject to second-level screening. The Authorized Officer shall:
  - a. Provide the proponent clear guidance and the information necessary to proceed with the approval process, including information concerning potential land use conflicts, processing timeframes, environmental and management concerns, cost recovery fees, anticipated annual land use fee, and approvals that must be obtained from other Federal, State, or local agencies.
  - b. Identify whether on-the-ground investigations that may require a temporary use permit are necessary to consider the proposal.
  - c. Discuss the kind of authorization (temporary permit, permit, term permit, lease, or easement) and the general terms and conditions (such as tenure, insurance requirements, bonding, and so forth) that may be applicable to the proposed use.
  - d. State that the proponent is responsible for providing studies or other documentation needed by the Authorized Officer to complete the environmental analysis process and is also responsible for costs incurred in obtaining that information.
  - e. Notify the proponent for a road easement that if the application is approved, a recordable survey plat or exhibit of the right-of-way will be required. Discuss reciprocal needs of the Forest Service, such as to secure new access rights, where appropriate (36 CFR 212.7(b), 36 CFR 212.8(a), 36 CFR 251.63, 36 CFR 251.114(c)).

#### **12.31 - Content of Proposals**

A proposal must provide sufficient information about a project or activity to enable the Authorized Officer to determine its feasibility, location, public benefits, and other factors

against the criteria set out at 36 CFR 251.54(e)(5)(i)-(v) and sections 12.32 a through 12.32c. The following criteria in sections 12.31a through 12.31d must be met before a proposal can be accepted as an application for further evaluation.

### **12.31a - Proponent Identification**

For related requirements see 36 CFR 251.54(d)(2)(ii)(A)-(E).

If the proponent has not already provided the information enumerated in section 12.11a during initial screening, the Authorized Officer may require the proponent at second level screening to provide as much information as necessary to identify the individual or entity that is requesting the use of National Forest System lands and that is responsible for adhering to the terms and conditions of the authorization.

### **12.31b - Project Description**

For related requirements, see 36 CFR 251.54(d)(4).

The proposal must describe the proposed use in sufficient detail to identify:

1. The location and scope of the proposed use, the resources affected, anticipated improvements, and method of operation when construction is complete;
2. Construction phases and their estimated starting and completion dates;
3. Any technical requirements for development or operation of the project; and
4. Other Federal, State, and private lands affected by the proposed use and any other agencies that have licensing or regulatory authority over the proposed use.

## **12.32 - Criteria for Second-Level Screening of Proposals**

The following criteria in sections 12.32a through 12.32c must be met before a proposal can be accepted as an application. Reject proposals that do not meet all these criteria.

### **12.32a - Appropriate Use of National Forest System Lands**

For related requirements, see 36 CFR 251.54(e)(5)(i) and (ii).

See FSM 2703.2 regarding appropriate use of National Forest System Lands.

### **12.32b - Financial and Technical Capability**

For related requirements, see chapter 30 of FSH 6509.18 and 36 CFR 251.54(e)(5)(iii) and (iv).

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The proponent must be qualified. In addition, the proponent must demonstrate the financial and technical capability to undertake the proposed use and to comply fully with the terms and conditions of the special use authorization. The proponent must also demonstrate the technical and economic feasibility of the proposed use.

1. **Financial Capability.** In making a financial capability determination, ascertain whether the proponent has sufficient available funds or a firm commitment of funds to develop the proposed use to its operational phase; to operate the proposed use economically; and to maintain the proposed use according to the terms of the authorization. Verification of financial qualifications may require extensive evaluation of a financial statement prepared by an accountant that includes sources of funds to be used for development and operation of the proposed use, credit references, and financial integrity.

For proposed uses involving construction, the Authorized Officer shall ensure that the proponent has or can obtain:

- a. Cash or readily convertible assets that represent at least 25 percent of the estimated development cost of the entire proposed use; or
  - b. If the project is to be constructed in phases, cash or readily convertible assets that represent at least 25 percent of the estimated cost of the first phase of development and sufficient resources to operate the proposed use during the initial operating period.
2. **Technical Capability.** Determine if the proponent has the technical expertise necessary to evaluate, construct, maintain, operate, and remove the proposed use. This would include the ability to provide engineering designs and meet applicable codes and standards. If a proponent has been debarred or suspended pursuant to 2 CFR Parts 180 or 417, the debarment or suspension itself may not be a factor in evaluating the proponent's proposal. However, the underlying conduct that led to the debarment or suspension may be considered in evaluating the proponent's technical capability. See FSM 2716.05 for definitions of debarment and suspension. See FSM 2716.82 regarding the causes for debarment and suspension). Any consideration of the underlying conduct that led to a debarment or suspension must also include consideration of any changes that the proponent has made to address the conduct since being debarred or suspended.
  3. **Viability of Proposed Use.** Determine if the proposed use is economically feasible. Require applicants to furnish a business plan, including an income and expense worksheet, demonstrating the viability of the proposed use.

### **12.32c - Signature and Acceptance of Responsibility**

For related requirements, see 36 CFR 251.54(e)(5)(v).

A person or entity must be authorized to sign a special use authorization and willing to accept responsibility for adherence to the terms and conditions of the authorization.

### **12.4 - Rejection of Proposals**

For related requirements, see 36 CFR 251.54(g)(1).

The Authorized Officer shall return to proponents those proposals that fail to meet the second-level screening criteria in sections 12.32a through 12.32c and shall provide a written explanation for not accepting the proposal as an application. The Authorized Officer may reconsider proposals rejected after second-level screening when the deficiencies identified in the screening process have been corrected to the satisfaction of the Authorized Officer.

Rejection of unsolicited proposals is not subject to administrative appeal under 36 CFR Part 214.4 and does not constitute a proposed action pursuant to 36 CFR 251.54(e)(6) and the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 through 4347).

### **12.5 - Acceptance of Applications for Proposed Uses that Meet Initial and Second-Level Screening Criteria**

For related requirements, see 36 CFR 251.54(g)(1).

If a proposal meets all the initial (sec. 12.12 through 12.21) and second-level screening criteria (sec. 12.3 through 12.32c), the Authorized Officer shall notify the proponent that the proponent may submit a written application for evaluation. As appropriate, the Authorized Officer shall provide the proponent with additional guidance and information as described in section 12.3, including identification of the Agency's procedures for processing the application and estimated time requirements.

NEPA is not triggered until an application is accepted for evaluation. Accepted applications must be evaluated pursuant to NEPA, its implementing regulations, and agency NEPA procedures (FSM 1950 and FSH 1909.15).

### **12.51 - Evaluation of Accepted Applications**

The Authorized Officer may require additional information, such as archaeological surveys and rare and endangered species surveys, and so forth (36 CFR 251.54(g)(2)), to complete the environmental analysis required under NEPA. The applicant is responsible for providing this information. The Authorized Officer's requests for additional information from the applicant and the applicant's response must be in writing.

### **12.52 - Environmental Analysis**

1. An environmental analysis must be conducted pursuant to NEPA to determine the effect the proposed use may have on the natural and human environment (36 CFR 251.54(g)(2)). Direction for conducting an environmental analysis is contained in FSM 1950 and FSH 1909.15.

At a minimum, a "no action" and "proposed action" alternative should be analyzed.

2. The Authorized Officer may require the applicant to provide all the information needed (with respect to evaluation of the effects of the proposed use) to make a decision concerning the application. Requests for information in addition to that included in the application must be made in writing and may include such topics as cultural resource surveys and biological surveys of threatened, endangered, or sensitive plant and animal species and their habitats, and so forth. The applicant is responsible for the costs of collecting all information directly related to evaluation of the effects of the proposed use and occupancy that the Authorized Officer needs to make a decision concerning the application.
3. Costs of surveys and data collection requested by the Forest Service that are not directly related to the application shall be borne by the Forest Service.

## **12.6 - Decision to Approve or Deny an Application**

### **12.61 - Decision To Approve**

Notify the applicant in writing of the decision to approve the proposed use in accordance with NEPA procedures. Provide the anticipated schedule for issuance of the authorization, such as public notification requirements, appeal timeframes, and so forth. Meet with the applicant to discuss the terms and administration of the authorization.

### **12.62 - Decision to Deny**

Return the application with a written decision documenting the reason(s) the application is denied. A decision to deny an unsolicited application is not subject to administrative appeal under 36 CFR Part 214. A decision to deny a solicited application is subject to administrative appeal under 36 CFR Part 214. See 36 CFR 214.6 for requirements regarding notification of appeal rights.

## **13 - Forest Service Solicited Applications**

See FSM 2710 for related direction.

## **14 - Preparing and Issuing Authorizations**

Do not issue an authorization until all prerequisites have been met and, for solicited applications, the administrative appeal period has expired without an appeal being filed or, if an appeal has been filed, it has been resolved through all levels. Do not use a letter, a memorandum of understanding or other document without legal effect to authorize the use and occupancy of National Forest System lands. Authorize the use and occupancy of National Forest System lands with the appropriate special use authorization form listed in section 19, exhibit 02 and in section 53, exhibit 01, of this handbook. Make no changes to a form unless such changes are specifically authorized in the form instructions or user notes. See chapter 50 of this handbook for additional direction on appropriate use of standard special use authorization forms and clauses.

See section 19, exhibit 02, Special Use Authorization Guide, for the appropriate authority, authorization form, and recommended or required maximum term for each type of special use.

### **14.1 - Minimum Requirements for Special Use Authorizations**

1. Ensure that all special use authorizations:
  - a. Accurately identify the holder.
  - b. Cite the statutory authority for granting the authorization.
  - c. Specify a term that does not exceed the term limit for the type of authorization enumerated in section 19, exhibit 02, of this chapter.
  - d. Accurately describe the area of use and the activity authorized. Require applicants to furnish recordable survey plats or exhibits for road easements.
  - e. Clearly state the use and privileges authorized, including improvements that may be installed or used.
2. Issue authorizations to the owner of the authorized improvements, unless the improvements are federally owned, in which case the authorization should be issued to the entity that will be operating and maintaining the authorized improvements. Identify the holder of the authorization by the name of the individual, business entity, partnership, corporation, association, municipality, agency of the Federal, State, or local government, or, for private noncommercial uses owned by a married couple, the names of the married couple. Except for special use authorizations for private, noncommercial uses, including isolated cabins (use code 121), houseboats (use code 122), recreation residences (use code 123), privately owned cooperatives, condominiums, cabins, trailer courts, and camps (use code 131), barns and sheds (use code 221), fences (use code 222), agriculture residences (use code 223), mailboxes (use code 365), residences and

privately owned buildings (use code 351), residences authorized under the Alaska Term Permit Act (use code 353), easements issued under FLPMA (use code 752), and permits issued under FLPMA (use code 753), which may be issued to a married couple, do not issue an authorization identifying more than one individual or entity as the holder.

3. Obtain the applicant's signature before the Authorized Officer signs the authorization. The Authorized Officer shall inform the applicant that the authorization must be signed and returned to the Authorized Officer within 60 days of receipt of the authorization. The holder's signature makes all terms and conditions of the authorization binding. Failure to sign the authorization within the 60-day period terminates the application and constitutes denial of the requested use and occupancy (36 CFR 251.62).

## **14.2 - Title VI Civil Rights Compliance**

Title VI of the Civil Rights Act Title 42 United States Code, section 2000D through 2000D-6) applies to special use authorizations when the holder provides services or facilities to the public, and the public is therefore the ultimate beneficiary of the authorization. Title VI generally applies to commercial special use authorizations because they authorize services to the public.

Title VI does not apply to special use authorizations when the holder does not provide services or facilities to the public, such as when the holder is the ultimate beneficiary of the authorization. Title VI generally does not apply to noncommercial special use authorizations because the holder is the ultimate beneficiary of the authorization. Title VI does not apply to noncommercial group use permits because the holder is always the ultimate beneficiary of the permit.

See FSM 1770, 1780, and FSH 1709.11, chapters 70 and 80, for additional direction on Title VI compliance. If Title VI applies, the Forest Service is responsible for reviewing the holder's compliance with its provisions using form FS-1700-6, Equal Opportunity Program Delivery Compliance Review Record. Include applicable clauses from FSH 2709.11, chapter 50, in the authorization.

## **14.3 - Liability and Insurance Coverage**

For related requirements, see Title 36, Code of Federal Regulations, section 251.56(d) – Terms and Conditions and FSM 2713.1.

## **15 - Authorizations Issued to Other Governmental Entities**

Do not use memorandum of understanding (FSM 1580 and FSH 1509.11, chapter 90), interagency agreements, challenge cost share agreements, or any other types of agreements in authorizing other governmental entities to use and occupy National Forest System lands. Instead, use the appropriate special use authorization form. Memorandum of understanding

and other types of instruments are appropriate for establishing cooperation and mutual understanding between the Forest Service and other parties, rather than for authorizing use and occupancy of Federal land. See FSH 1509.11, chapter 90, for direction on the appropriate use of memorandum of understanding and other types of instruments.

### **15.1 - Federal Agencies**

1. The Federal Government is self-insured, and Federal agencies are units of one legal entity, the U.S. Government. Therefore, it is not appropriate for Federal agencies to provide liability insurance or bonding or to indemnify the Forest Service. However, the Forest Service has the authority under Federal law to impose environmental liability on other Federal agencies and, subject to their legal limitations and limitations of appropriations, to impose tort liability on other Federal agencies in special use authorization issued under Title V of the Federal Land Policy and Management Act.
2. Do not allow the Forest Service to accept liability or costs associated with damages or possible public hazards arising from another Federal agency's use of National Forest System lands. Identify potential hazards before issuance of the authorization. Resolve them by modifications of plans or a written commitment by the other Federal agency to perform restoration or abatement work. Withhold the authorization if the other Federal agency is unable to provide such a commitment.
3. The Forest Service cannot unilaterally suspend, or revoke right-of-way authorizations issued to Federal agencies (36 CFR 251.60(c)-(d)). However, the Forest Service has the authority to include clauses providing for termination such as expiration in right-of-way authorizations issued to Federal agencies.

Always include an expiration date in a special use authorization issued to Federal agencies.

4. Federal agencies are exempt from payment of land use fees for use of National Forest System lands and Government-owned improvements (36 CFR 251.57(c)). However, Federal agencies are not exempt from paying fees for the use of privately owned facilities and may be required to pay cost recovery fees for processing of special use applications and monitoring special use authorizations on National Forest System lands (sec. 31). Special use authorizations, including those issued to Federal agencies, involving Government-owned improvements that require the Forest Service to provide caretakers' services or special services, such as water, electricity, and clean-up, may require the payment of a separate fee to cover the cost of these services (36 CFR 251.57(f)).



## **15.2 - States and Local Governmental Entities**

When the holder is a State or local governmental entity that has statutory or constitutional authorities limiting its liability or obligation to indemnify, the Authorized Officer shall prepare a risk assessment to determine the potential for loss to the United States from personal injury, death, or property damage caused by the holder's use and occupancy. If the Authorized Officer determines, based on the risk assessment, that the potential damages exceed the liability or indemnification limitation of the State or a local governmental entity, the holder shall procure insurance in the amount determined in the risk assessment. Where established by Forest Service Regional Foresters, minimum insurance coverage for various special uses may be substituted for the risk assessment.

Waive land use fees for authorizations issued to a State or local governmental entity for noncommercial uses. Do not waive a land use fee to a State or local governmental entity if one or more of the criteria in section 31.22a are met.

## **16 - Authorizations for Federally Owned Improvements [Reserved]**

## **17 - Other Processes and Procedures Related to Special Use Proposals, Applications, and Authorizations**

### **17.1 - Applicant Loans [Reserved]**

### **17.2 - Authorizations to Associations**

For related direction, see FSM 2711.6.

### **17.3 - Oil and Gas Applications [Reserved]**

### **17.4 - Noncommercial Group Use Applications**

A permit (form FS-2700-3b) is required for noncommercial group use. A noncommercial group use is any activity on National Forest System lands:

1. That involves 75 or more people, either as participants or spectators;
2. Where an entry or participation fee is not charged; and
3. Where the primary purpose is not the sale of a good or service (36 CFR 251.51).

#### **17.41 - Requirements for Content of Applications**

Proposals for noncommercial group use must include (36 CFR 251.54(d)(2)(i)):

1. A description of the proposed activity;

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2. The location and a description of the National Forest System lands and facilities the proponent would like to use;
3. The estimated number of participants and spectators;
4. The starting and ending time and date of the proposed activity; and
5. The name of the person or persons 21 years of age or older who will sign a special use authorization on behalf of the proponent.

#### **17.42 - Processing Applications**

Applications for noncommercial group use must be received at least 72 hours in advance of the proposed activity. Applications for noncommercial group use must be processed in order of receipt, and the use of a particular area must be allocated in order of receipt of fully executed applications. All noncommercial group use applications must be deemed granted and a permit must be issued for those uses unless the applications are denied within 48 hours of receipt. The Authorized Officer shall grant an application for a noncommercial group use if all the following eight criteria are met (36 CFR 251.54(g)(3)(ii)(A)-(H)):

1. Authorization of the proposed activity is not prohibited by 36 CFR part 261, Subpart A; by an order issued under 36 CFR part 261, Subpart B; or by Federal, State, or local law unrelated to the content of expressive activity.
2. Authorization of the proposed activity is consistent or can be made consistent with standards and guidelines in the applicable Grass or Forest land and resource management plan required under the National Forest Management Act and 36 CFR part 219.
3. The proposed activity does not materially impact the characteristics or functions of the environmentally sensitive resources or lands identified in Forest Service Handbook 1909.15, chapter 30.
4. The proposed activity will not delay, halt, or prevent administrative use of an area by the Forest Service or other scheduled or existing uses or activities on National Forest System lands.
5. The proposed activity does not violate State and local public health laws and regulations as applied to the proposed site. Issues addressed by State and local public health laws and regulations as applied to the proposed site include:
  - a. The sufficiency of sanitation facilities;
  - b. The sufficiency of waste disposal facilities;

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- c. The availability of sufficient potable drinking water;
  - d. The risk of disease from the physical characteristics of the proposed site or natural conditions associated with the proposed site; and
  - e. The risk of contamination of the water supply.
6. The proposed activity will not pose a substantial danger to public safety. Considerations of public safety must not include concerns about possible reaction to the users' identity or beliefs from nonmembers of the group applying for a permit and must be limited to:
- a. The potential for physical injury to other forest users from the proposed activity;
  - b. The potential for physical injury to users from the physical characteristics of the proposed site or natural conditions associated with the proposed site;
  - c. The potential for physical injury to users from scheduled or existing uses or activities on National Forest System lands; and
  - d. The adequacy of ingress and egress in case of an emergency.
7. The proposed activity does not involve military or paramilitary training or exercises by private organizations or individuals unless such training or exercises are federally funded.
8. A person or persons 21 years of age or older have been designated to sign and do sign a permit on behalf of the applicant.

#### **17.43 - Denial of Applications**

For the related regulatory requirements, see 36 CFR 251.54(g)(3)(iii).

- 1. If the Authorized Officer denies a noncommercial group use application because it does not meet all eight evaluation criteria in section 17.42 (36 CFR 251.54(g)(3)(ii)(A)-(H)), the Authorized Officer shall notify the applicant in writing of the reasons for the denial. If an alternative time, place, or manner would allow the applicant to meet the eight criteria, the Authorized Officer shall offer that alternative.
- 2. If a non-commercial group use is denied solely under section 17.42, paragraph 3 (36 CFR 251.54(g)(3)(ii)(C)), and all suggested alternatives are unacceptable to the applicant, the Authorized Officer shall offer to complete the requisite environmental and other analyses for the requested site (sec. 17.44).

3. A denial of a noncommercial group use application constitutes final agency action and is immediately subject to judicial review.

#### **17.44 - National Environmental Policy Act Requirements**

In the absence of extraordinary circumstances, permits for noncommercial group uses are categorically excluded from documentation in an environmental assessment or an environmental impact statement (FSH 1909.15, sec. 31.1b, para. 8). Because constitutional due process requires a short, specific time frame for processing such applications, the Authorized Officer has the flexibility to tailor the NEPA scoping to meet the 48-hour response period for noncommercial group use applications (FSH 1909.15, sec. 10.3, para. 2a). A proposed decision to grant or deny an application for which an environmental assessment or an environmental impact statement is prepared for the requested site is subject to the predecisional objection procedures at 36 CFR part 218. Notwithstanding the timing provisions set forth in 36 CFR 218.12, a decision to grant or deny an application for which an environmental assessment or an environmental impact statement is prepared for the requested site shall be made within 48 hours after the time for filing an objection expires or, if an objection is filed, the objection process is completed.

#### **17.45 - Land Use and Cost Recovery Fees, Bonding, and Insurance**

No land use or cost recovery fees may be charged, nor may bonding or insurance be required, for noncommercial group use permits.

#### **18 - [Reserved]**

#### **19 - Exhibits**

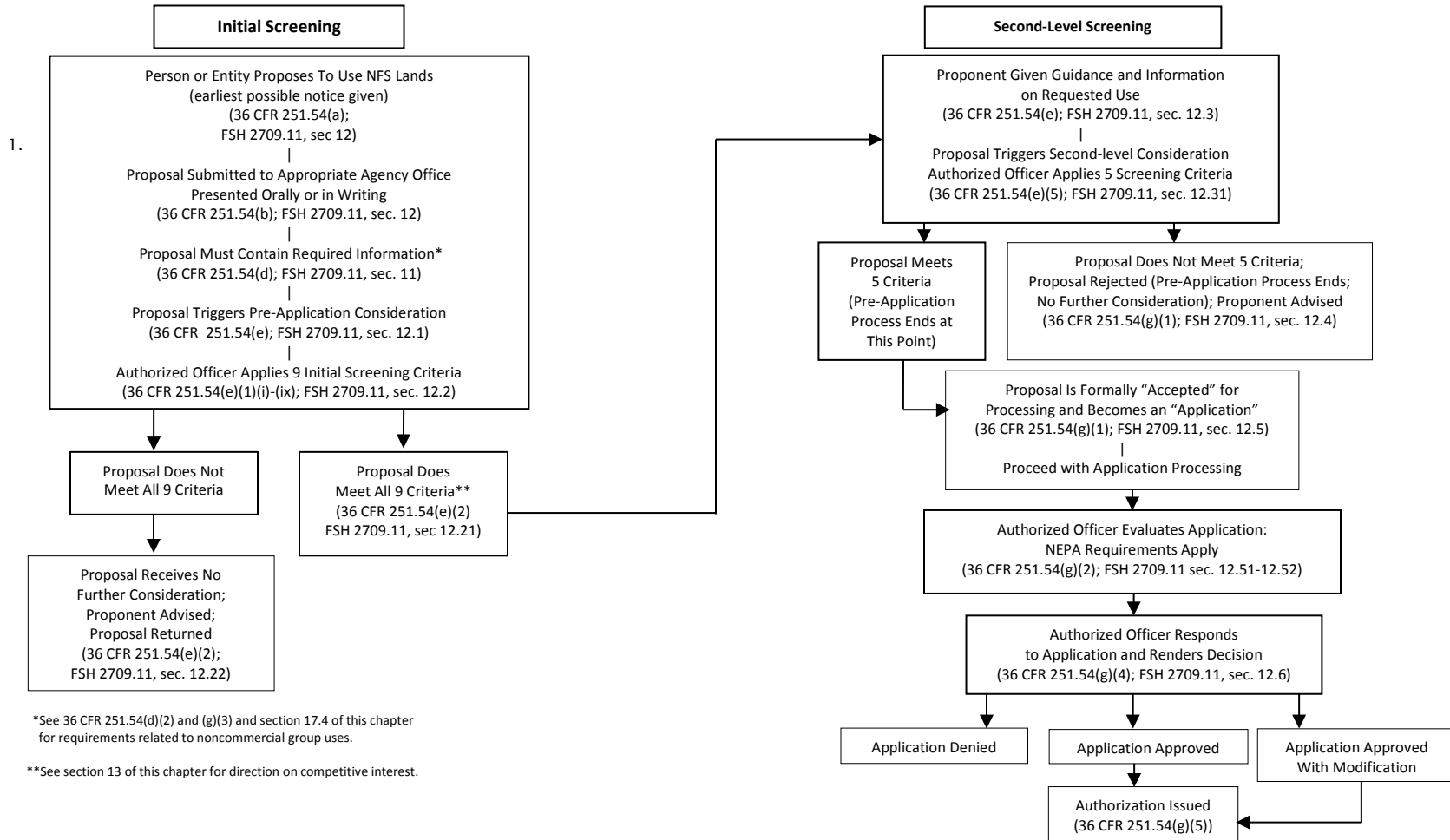
**Exhibit 01.** Exhibit 01 shows the steps in the special use proposal, application, and authorization process.

**Exhibit 02.** Exhibit 02 summarizes the appropriate use code authority, authorization type and form, and recommended maximum term for each type of special use activity. See FSM 2716.52 for Inspection Frequency.

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**19 - Exhibit 01**

**Steps in Special Use Proposals, Application, and Authorization Process,  
Including Initial and Second-Level Screening for proposals**



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**19 - Exhibit 02**

**Use Code Authority, Authorization Type, Form and  
Term for Each Type of Special Use Activity and Administrative Lease**

Use	Use Code	Authority	Authorization	Form	Term
<b>RECREATION SPECIAL USES</b>					
<b>PRIVATELY OWNED IMPROVEMENTS AUTHORIZED FOR GROUPS</b>					
Various	NA	Organic Administration Act	permit	FS-2700-4	1 or 2 years to correct deficiencies (2711.3, p. 3)
Boat dock and wharf	111	FLREA or Act of March 4, 1915	permit term permit	FS-2700-4 FS-2700-5	5 years 20 years > \$150,000 30 years >\$1,000,000 Limit new uses (2347.4)
Club	112	Organic Administration Act	permit term permit	FS-2700-4 FS-2700-5	Phase out (2347.2), reject new proposals
Organizational Camp (see use code 143 for government owned improvements)	113	Act of March 4, 1915	term permit	FS-2700-5	20 years Forest Supervisor (FS)/30 years Regional Forester (RF)
Shelter	114	FLREA or Organic Administration Act	temporary permit permit permit	FS-2700-25 FS-2700-4 FS-2700-4	1 year 5 years 10 years
Private camp	115	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
<b>NONCOMMERCIAL, PRIVATELY OWNED IMPROVEMENTS AUTHORIZED TO INDIVIDUALS</b>					
Isolated cabin	121	Organic Administration Act	permit	FS-2700-4	Phase out
Houseboat	122	FLREA or Organic Administration Act	permit permit	FS-2700-4 FS-2700-4	5 years 20 years reject proposals for new uses
Recreation residence	123	Act of March 4, 1915	term permit	FS-2700-5a	20 years

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**19 - Exhibit 02 - Continued**

Use	Use Code	Authority	Authorization	Form	Term
Caretaker residence (Authorize in recreation residence tracts only)	124	Organic Administration Act	permit	FS-2700-4	5 years
<b>CONCESSIONS INVOLVING PRIVATELY OWNED IMPROVEMENTS</b>					
Various	NA	Organic Administration Act	permit	FS-2700-4	10 years <\$100,000 20 years <\$250,000
Private lodging	131	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
Trailer Court or Camp	131b	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Hotel, motel	132	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Resort	133	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Campground (Privately Owned)	134	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Restaurant	135	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Store, Shop, Office	136	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Rental Service Facility	136b	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Service Station	137	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Marina	138	Act of March 4, 1915	term permit	FS-2700-5c	20 years FS/30 years RF
Ropeway (Aerial Tramway, Aerial or Surface Lift, Tow, Conveyor, or Funicular)	139	FLREA, Organic Administration Act or Act of March 4, 1915	permit permit term permit	FS-2700-4 FS-2700-4 FS-2700-5	5 years 5 years 20 years FS/30 years RF
<b>CONCESSIONS INVOLVING GOVERNMENT-OWNED IMPROVEMENTS</b>					
Concession Campground	141	Granger-Thye Act	permit	FS-2700-4h	5 + 5 years
Concession Day Use Site	142	Granger-Thye Act	permit	FS-2700-4h	5 + 5 years
Organization Camp	143	Granger-Thye Act	permit	FS-2700-4	20 years FS/30 years RF
Recreational Lodging in federally owned Buildings	144	FLREA or Granger-Thye Act	permit	FS-2300-43 or FS-2700-3e	30 days
Visitor Center	145	Granger-Thye Act	permit	FS-2700-4	20 years FS/30 years RF
Resort	146	Granger-Thye Act	permit	FS-2700-4	20 years FS/30 years RF

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Use	Use Code	Authority	Authorization	Form	Term
<b>CONCESSION SERVICES</b>					
Rental Service (Without Facilities)	151	FLREA	permit	FS-2700-4	5 years
Transportation Service	152	FLREA	permit	reserved	reserved
Outfitting and Guiding Service	153	FLREA	temporary permit permit	FS-2700-3f FS-2700-4i	180 days 10 years
<b>WINTER RECREATION</b>					
Ski Area	161	National Forest Ski Area Permit Act (16 U.S.C. 497b)	term permit	FS-2700-5b (see FSM 2721.61e)	40 years FS
Ropeway (Aerial Tramway, Aerial or Surface Lift, Tow, Conveyor, or Funicular)	162	FLREA, Organic Administration Act or Act of March 4, 1915	permit permit term permit	FS-2700-4 FS-2700-4 FS-2700-5	5 years 5 years 20 years FS/30 years RF
Ski slope or ski trail	163	FLREA or Organic Administration Act	permit permit	FS-2700-4 FS-2700-4	5 or 10 years 5 or 10 years
Skiing activity	164	FLREA or Organic Administration Act	permit permit	FS-2700-4 FS-2700-4	5 years 5 years
Snow play	165	FLREA, Organic Administration Act, or Act of March 4, 1915	permit permit term permit	FS-2700-4 FS-2700-4 FS-2700-5	5 years 5 years 20 years > = \$250,000
<b>OUTDOOR RECREATION IMPROVEMENTS</b>					
Various	NA	Organic Administration Act of 1897	permit	FS-2700-4	10 years < \$100,000 20 years < \$250,000
Target range	171	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF



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Park or playground	172	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
Golf course	173	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
Cave, cavern	174	Act of March 4, 1915	permit	FS-2700-4	20 years FS
Racetrack	175	Act of March 4, 1915	term permit	FS-2700-5	Deny new uses Phase-out existing
Day Use Facility	176	Act of March 4, 1915	term permit	FS-2700-5	10 or 20 years
Visitor Center (see use code 367)	177	Act of March 4, 1915	term permit	reserved	reserved
Hunting Enhancement	178	FLREA or Organic Administration Act	temporary permit	FS-2700-25	120 days or less
<b>TEMPORARY EVENT</b>					
Recreation event	181	FLREA	temporary permit permit	FS-2700-3c FS-2700-4	One year or less 5 years
Vendor or Peddler	182	FLREA	temporary permit	FS-2700-25	One year or less
<b>TRIBAL AND NONCOMMERCIAL GROUP USE</b>					
Noncommercial group use	191	Organic Administration Act	permit	FS-2700-3b	30 days
Traditional/Cultural Use tribes	192	Organic Administration Act	permit	FS-2700-3b	120 days
<b>LANDS SPECIAL USES</b>					
<b>AGRICULTURE, CROPS</b>					
Cultivation	211	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Nursery	212	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Orchard	213	Organic Administration Act	permit	FS-2700-4	10 years

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Apiary	214	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Livestock area	215	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Fish hatchery	216	Organic Administration Act	permit	FS-2700-4	30 years
Fur and game farm	217	Organic Administration Act	permit	FS-2700-4	10 years
Worm harvesting	218	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Mariculture	219	Organic Administration Act	permit	FS-2700-4	10 years
<b>AGRICULTURAL IMPROVEMENTS</b>					
Barn, shed	221	Organic Administration Act	permit	FS-2700-4	10 years
Fence	222	Organic Administration Act	permit	FS-2700-4	20 years
Agriculture residence	223	Organic Administration Act	permit	FS-2700-4	20 years
<b>RANGE FACILITIES</b>					
Building	231	Organic Administration Act	permit	FS-2700-4	20 years
Corral, pen and livestock area	232	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	10 years
Dipping vat	233	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	10 years

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<b>ENCLOSURES</b>					
Convenience enclosure	241	Organic Administration Act	temporary permit	FS-2700-25	10 years
<b>COMMUNITY AND PUBLIC INFORMATION MEETINGS</b>					
Multi-season traditional/cultural use by Indians and Indian tribes	311	Organic Administration Act	permit	FS-2700-4	10 years
Cemetery	321	Organic Administration Act	permit	FS-2700-4	Reject new proposals and consider land adjustment for existing cemeteries
Church	322	Organic Administration Act	permit	FS-2700-4	30 years Pursue land adjustment for existing uses
<b>PUBLIC INFORMATION</b>					
Marker	331	Organic Administration Act	permit	FS-2700-4	10 years
Monument	332	Organic Administration Act	permit	FS-2700-4	10 years
Sign	333	Organic Administration Act	permit	FS-2700-4	10 years
<b>SANITARY SYSTEMS</b>					
Solid waste disposal site	341	Organic Administration Act or the Act of September 3, 1954	permit	FS-2700-4	Reject new proposals Phase out existing uses
Liquid waste disposal area	342	Organic Administration Act or the Act of September 3, 1954	permit	FS-2700-4	Reject new proposals Consider phasing out existing uses

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Sewage transmission lines	343	FLPMA	permit	FS-2700-4	40 years Provide for revision of terms & conditions at specified intervals to reflect changing times and conditions
Hazardous and toxic waste disposal site	344	Organic Administration Act or the Act of September 3, 1954	permit	FS-2700-4	Reject new proposals Phase out existing uses
Transfer station	345	Organic Administration Act or the Act of September 3, 1954	permit	FS-2700-4	10 years
Debris disposal area	346	Organic Administration Act or the Act of September 3, 1954	permit	FS-2700-4	Reject new proposals Phase out existing uses
<b>COMMUNITY RESIDENCES</b>					
Residence, privately owned building	351	Organic Administration Act	permit temporary permit	FS-2700-4 FS-2700-25	10 years Pursue land exchange
Residence, Government-owned building, G-T	352	Granger-Thye Act	permit	FS-2700-4	10 years
Residence, Alaska Term Permit Act	353	Alaska Term Permit Act	permit	FS-2700-4	30 years Pursue land exchange
<b>SERVICE USES</b>					
School	361	Act of September 3, 1954	term permit	FS-2700-5	30 years Pursue land exchange
Service building	362	Act of September 3, 1954	term permit	FS-2700-5	30 years Pursue land exchange

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Hospital or sanitarium	363	Act of March 3, 1915 or Act of September 3, 1954	term permit	FS-2700-5	30 years Pursue land exchange
Shelter	364	Act of March 4, 1915 or Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Mailbox	365	Organic Administration Act	permit	FS-2700-4	Life tenure
Parking lot	366	Organic Administration Act or Act of March 4, 1915	permit	FS-2700-4	30 years
Visitor center, museum	367	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF
<b>ENCROACHMENTS</b>					
Cabin (invalid mining claim)	371	Organic Administration Act	permit	FS-2700-4	Annual
Residence	372	Organic Administration Act	permit	FS-2700-4	5 years
Other improvement	373	Organic Administration Act	permit	FS-2700-4	5 years
Cabin predating ANILCA	374	Organic Administration Act	permit	FS-2700-4	5 years
<b>SEARCH AND RECOVERY MISSIONS</b>					
Search and Recovery Missions	381	Dingell Act	permit	FS-2700-25	Temporary
<b>ADMINISTRATIVE SITE LEASES</b>					
Administrative Site Leases	391	FSFREA and 2018 Farm Bill	lease	FS-2700-14	30 years; 50 years for housing

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<b>FEASIBILITY, RESEARCH, TRAINING, CULTURAL RESOURCES, AND HISTORICAL FEASIBILITY</b>					
Site survey and testing	411	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Resource survey	412	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Hydroelectric investigation	413	FLPMA	permit	FS-2700-4	5 years
Wind Energy testing	414	FLPMA	permit	FS-2700-4	3 + 2 years
Solar Energy testing	415	FLPMA	permit	FS-2700-4	3 + 2 years
Geothermal energy testing	416	FLPMA	permit	FS-2700-4	3 + 2 years
Biomass testing	417	FLPMA	permit	FS-2700-4	3 + 2 years
<b>RESEARCH</b>					
Experimental and demonstration	421	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Research study	422	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Weather station	423	Organic Administration Act	permit	FS-2700-4	30 years
Weather modification device	424	Organic Administration Act	permit	FS-2700-4	30 years
Observatory	425	Organic Administration Act	permit	FS-2700-4	30 years
<b>TRAINING</b>					
Military training area	431	Organic Administration Act	permit	FS-2700-4	20 years
Education center	432	Act of March 4, 1915	term permit	FS-2700-5	20 years FS/30 years RF

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<b>CULTURAL RESOURCES AND TREASURE TROVE USES</b>					
1906 Act Permit	441	American Antiquities Act, Archeological Resource Protection Act, or Organic Administration Act	temporary permit permit	FS-2700-4M FS 2700-4M	1 year 5 years
Non-disturbing use	442	Archeological Resource Protection Act or Organic Administration Act	temporary permit permit	FS-2700-4M FS-2700-4M	1 year 5 years
Disturbing use, 1979 Act	443	Archeological Resource Protection Act	permit	FS-2700-4M	5 years
Treasure hunting	444	FLREA, or Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	1 year 5 years
<b>HISTORIC</b>					
Historic building and improvements	451	FLREA Granger-Thye Act, NHPA	temporary permit permit permit	FS-2700-25 FS-2700-4 FS-2700-4	1 year 5 years 20 years FS/30 years RF
			lease	FS-2700-13	variable
Historic site	452	FLREA  Granger-Thye Act, NHPA	temporary permit permit permit lease	FS-2700-25 FS-2700-4 FS-2700-4 FS-2700-13	1 year 5 years 20 years FS/30 years RF variable

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<b>INDUSTRY CAMPS</b>					
Construction camp and residence	511	Organic Administration Act	permit	FS-2700-4	5 years
Temporary Construction Activities	512	Organic Administration Act	permit	FS-2700-4	5 years
Commercial fishing cabin or warehouse	513	Authority ANILCA 1303	permit	FS-2700-4	5 years
Temporary camps used in support of industrial or commercial operations	514	Authority is ANILCA 1314 or 1316	permit	FS-2700-4	5 years
Commercial Fishing Camp	515	Authority is ANILCA 1316	permit	FS-2700-4	5 years
<b>STORAGE</b>					
Warehouse and storage yard	521	Organic Administration Act	permit	FS-2700-4	20 years
Stockpile site	522	Organic Administration Act	permit	FS-2700-4	20 years
Storage and use of explosives	523	Organic Administration	permit	FS-2700-4	20 years
<b>MANUFACTURING</b>					
Processing plant	531	Organic Administration Act	permit	FS-2700-4	20 years
Truck and equipment depot	532	Organic Administration Act	permit	FS-2700-4	20 years
Batch and mixing plant	533	Organic Administration Act	permit	FS-2700-4	20 years
<b>MEASUREMENT</b>					
Weighing or scaling station	541	Organic Administration	permit	FS-2700-4	20 years



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<b>ARTS</b>					
Still photography	551	Act of May 26, 2000 (16 U.S.C. 460/-6d)	temporary permit permit	FS-2700-25 FS-2700-4	5 years
Commercial filming	552	Act of May 26, 2000 (16 U.S.C. 460/-6d)	temporary permit permit	FS-2700-25 FS-2700-4	3 years
<b>MINERAL EXPLORATION</b>					
Geological and geophysical exploration	561	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	3 years
<b>MINERAL DEVELOPMENT</b>					
Occupancy permit, reserved mineral right	571	By Deed or State law			Consult RO for direction
Occupancy permit, outstanding mineral right	572	By Deed or State law			Consult RO for direction
<b>TIMBER</b>					
Tailhold	591	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	3 years
Spar	592	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	3 years
Log landing	593	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	3 years
Yarding corridor	594	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	3 years
Flume, log chute	595	Organic Administration Act	temporary permit permit	FS-2700-25 FS-2700-4	3 years
<b>ENERGY GENERATION AND TRANSMISSION POWER PLANTS UNDER AUTHORITY OF THE FEDERAL ENERGY REGULATORY COMMISSION</b>					
Hydroelectric project, FERC licensed	611	FLPMA	permit	FS-2700-4	50 years (term of permit should run concurrent with term of FERC license)

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Use	Use Code	Authority	Authorization	Form	Term
Other utility improvement	644	FLPMA	permit	FS-2700-4	30 years
<b>TRANSPORTATION, AIRCRAFT FACILITIES</b>					
Airport, heliport	711	FLPMA	permit	FS-2700-4	30 years
Hanger and service facility	712	FLPMA	permit	FS-2700-5	30 years
Airport concession	713	FLPMA	permit	FS-2700-4	30 years
Airport or airway beacon	714	FLPMA	permit	FS-2700-4	30 years
Helicopter landing site	715	FLPMA	permit	FS-2700-4	30 years
<b>MARINE</b>					
Mooring point	721	Organic Administration Act	permit	FS-2700-4	30 years
Boat dock, wharf, pier	722	Organic Administration Act	permit	FS-2700-4	30 years
Canal	723	FLPMA	permit	FS-2700-4	30 years
Navigation aid, lighthouse	724	FLPMA	permit	FS-2700-4	30 years
Navigation aid (beacon, buoy, marker, & other)	725	FLPMA	permit	FS-2700-4	30 years
<b>RAILROADS</b>					
Railroad right-of-way	731	FLPMA	permit	FS-2700-4	50 years Provide for revision of terms and conditions at specified intervals to reflect changing times and conditions
Railroad signal device	732	FLPMA	permit	FS-2700-4	50 years Provide for revision of terms and conditions at specified intervals to reflect changing times and conditions

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<b>FEDERAL AID HIGHWAY RIGHT-OF-WAY</b>					
Department of Transportation Easement	741	Federal Highways Act	Issued by FHWA, FS writes Letter of Consent		
<b>ROAD OR TRAIL AUTHORIZATION</b>					
National Forest Roads and Trails Act easement	751	October 15, 1964	easement	FS-2700-9d (Cost Share) FS-2700-9e (Non-Cost Share) FS-2700-9f (Public Road) FS-2700-9g (Forest) FS-2700-9h (Private)	30 years (Easements issued in reciprocity or to public road agencies have no designated expiration date)
Federal Land Policy and Management Act road easement	752	FLPMA	easement	FS-2700-9j (Private) FS-2700-9i (Forest)	50 years
Federal Land Policy and Management Act road permit	753	FLPMA	permit	FS-2700-4b (Forest) FS-2700-4c (Private)	20 years
Wilderness Act authorization for roads and trails	754	Wilderness Act	permit temporary permit	FS-2700-4c FS-2700-25	10 years
<b>PIPELINE NON-ENERGY RELATED</b>					
Slurry pipeline	761	FLPMA	permit	FS-2700-4	30 years

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<b>CABLEWAY AND CONVEYOR</b>					
Tramway or conveyor	771	FLPMA	permit	FS-2700-4	30 years
<b>COMMUNICATIONS USES</b>					
<b>BROADCAST</b>					
Broadcast Translator/Low Power TV/ Low Power FM	808	FLPMA	permit permit lease	FS-2700-4 FS-2700-10c FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Cable Television	809	FLPMA	permit lease	FS-2700-4 FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
AM and FM Radio	816	FLPMA	permit permit lease	FS-2700-4 FS-2700-10c FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Television	817	FLPMA	permit lease	FS-2700-4 FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
<b>NON-BROADCAST</b>					
Microwave (Common Carrier)	803	FLPMA	permit lease	FS-2700-4 FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Microwave (Business/Industrial)	804	FLPMA	permit permit lease	FS-2700-4 FS-2700-10c FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Local Exchange Network	805	FLPMA	permit lease	FS-2700-4 FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Private Mobile Radio Service	806	FLPMA	permit permit lease	FS-2700-4 FS-2700-10c FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Passive Reflector	807	FLPMA	permit permit lease	FS-2700-4 FS-2700-10c FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))

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Cellular	810	FLPMA	permit lease	FS-2700-4 FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Wireless Internet Service Provider	811	FLPMA	permit lease	FS-2700-4 FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Commercial Mobile Radio Service	815	FLPMA	permit lease	FS-2700-4 FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Facility Manager	818	FLPMA	lease	FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
<b>OTHER COMMUNICATIONS USES</b>					
Amateur Radio	801	FLPMA	permit lease	FS-2700-4 FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Personal/Private Receive Only	802	FLPMA	permit lease	FS-2700-4 FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Natural Resource and Environmental Monitoring	814	FLPMA	permit permit lease	FS-2700-4 FS-2700-10c FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Other communications improvement	831	FLPMA	permit permit lease	FS-2700-4 FS-2700-10c FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Other communications improvement, REA financed or eligible for REA financing	832	FLPMA	permit lease	FS-2700-4 FS-2700-10b	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Navigation Equipment	833	FLPMA	permit permit	FS-2700-4 FS-2700-10c	Default of 30 years (36 CFR 251.54(g)(5)(ii))
Telephone line	821	FLPMA	permit	FS-2700-4	30 years
Telephone line, REA financed or eligible for REA financing	822	FLPMA	permit	FS-2700-4	30 years

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Fiber optic cable	823	FLPMA	permit	FS-2700-4	Default of 30 years (36 CFR 251.54(g)(5)(ii))
<b>WATER (NON-POWER GENERATING) WATER TRANSMISSION</b>					
Irrigation water ditch	911	FLPMA	permit	FS-2700-4	30 years
Irrigation water transmission pipeline, 12" in diameter or more	912	FLPMA	permit	FS-2700-4	30 years
Irrigation water transmission, pipeline, less than 12" in diameter	913	FLPMA	permit	FS-2700-4	30 years
Water transmission pipeline, 12" in diameter or more	914	FLPMA	permit	FS-2700-4	30 years
Water transmission pipeline, less than 12" in diameter	915	FLPMA	permit	FS-2700-4	30 years
Agricultural irrigation and livestock watering	916	FLPMA	easement	FS-2700-9a	Permanent (when consistent with Ditch Bill Act)
<b>IMPOUNDMENT</b>					
Debris and siltation impoundment	921	FLPMA	permit	FS-2700-4	30 years
Dam, reservoir	922	FLPMA	permit	FS-2700-4	30 years
Water diversion, weir	923	FLPMA	permit	FS-2700-4	20 years
Reservoir	924	FLPMA	permit	FS-2700-4	30 years
Dam, reservoir, Act of October 27, 1986 (Pub. L. 99-545)	925	FLPMA	easement	FS-2700-9a	Permanent (when consistent with Ditch Bill Act)
Reservoir, Act of October 27, 1986 (Pub. L. 99-545)	926	FLPMA	easement	FS-2700-9a	Permanent (when consistent with Ditch Bill Act)

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<b>DEVELOPMENT</b>					
Well, spring, windmill	931	Organic Administration Act	permit	FS-2700-4	20 years
Stock water	932	Organic Administration Act	permit	FS-2700-4	20 years
Wildlife water supply	933	Organic Administration Act	permit	FS-2700-4	20 years
Fish ladder	934	FLPMA	permit	FS-2700-4	30 years
Water storage tank	935	FLPMA	permit	FS-2700-4	30 years
<b>MEASUREMENT</b>					
Stream gauging station	941	Organic Administration Act	permit	FS-2700-4	20 years
Water quality monitoring station	942	Organic Administration Act	permit	FS-2700-4	20 years
<b>WATER TREATMENT</b>					
Water treatment plant	951	Act of March 3, 1915 or Act of September 3, 1954	permit term permit	FS-2700-4 FS-2700-5	30 years